



# House of Representatives

## File No. 592

General Assembly

February Session, 2002

**(Reprint of File No. 262)**

Substitute House Bill No. 5456  
As Amended by House Amendment  
Schedules "A" and "B"

Approved by the Legislative Commissioner  
April 27, 2002

### ***AN ACT CONCERNING THE DISCLOSURE OF CERTAIN CONDITIONS IN CONNECTION WITH THE SALE OF REAL ESTATE.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. (NEW) (*Effective October 1, 2002*) (a) With respect to a  
2       contract for the sale of a one-to-four family residential real property, if  
3       the seller provides written notice to the purchaser, prior to, or upon,  
4       entering into the contract, of the availability of the lists of hazardous  
5       waste facilities pursuant to section 22a-134f of the general statutes, the  
6       seller and any real estate licensee shall be deemed to have fully  
7       satisfied any duty to disclose the presence of all hazardous waste  
8       facilities as defined in section 22a-134f of the general statutes, even if:  
9       (1) The list required to be submitted pursuant to section 22a-134f of the  
10      general statutes has not been submitted, (2) the list has not been  
11      received or made available as required in section 22a-134f of the  
12      general statutes, or (3) there is an error, omission or inaccuracy in the  
13      list.

14      (b) Nothing in this section shall be construed to impose liability on a  
15      seller or real estate licensee for failing to disclose the existence of

16 hazardous waste facilities as defined in section 22a-134f of the general  
17 statutes.

18 (c) No seller or real estate licensee shall be required to compile, or  
19 contribute to the compilation of, in whole or in part, the list required  
20 pursuant to section 22a-134f of the general statutes.

21 Sec. 2. Section 20-329ee of the general statutes is repealed and the  
22 following is substituted in lieu thereof (*Effective October 1, 2002*):

23 Notwithstanding sections 20-329cc and 20-329dd, if a purchaser or  
24 lessee of real estate, who was in the process of making a bona fide  
25 offer, advises an owner of real estate or his or her agent, in writing,  
26 that knowledge [of a psychological impact] that the property was at  
27 any time suspected to have been the site of a homicide, other felony or  
28 a suicide is important to [his] the purchaser's decision to purchase or  
29 lease the property, the owner through his or her agent shall report any  
30 findings to the purchaser or lessee, in writing subject to and consistent  
31 with applicable laws of privacy. If the owner refuses to disclose such  
32 information, his or her agent shall so advise the purchaser or lessee in  
33 writing.

This act shall take effect as follows:	
Section 1	<i>October 1, 2002</i>
Sec. 2	<i>October 1, 2002</i>

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**OLR Amended Bill Analysis**

sHB 5456 (as amended by House "A" and "B")\*

**AN ACT CONCERNING THE IDENTIFICATION OF OFF-SITE CONDITIONS****SUMMARY:**

This bill allows a seller and real estate licensee to satisfy fully any duty to disclose the presence of hazardous waste facilities to a purchaser by providing him with written notice of the availability of the list of hazardous waste facilities kept by municipal clerks. The notice applies to contracts for the sale of one-to-four family residential real estate and must be provided before or at the time the parties enter into a contract for sale. The duty to disclose is satisfied even if (1) the required list has not been submitted; (2) the list has not been received or made available; or (3) there is an error, omission, or inaccuracy in the list.

The bill prohibits anyone from interpreting its provisions to impose liability on a seller or real estate licensee for failing to disclose the existence of hazardous waste facilities. It also specifies that sellers and real estate licensees are not required to compile or contribute to compilation of the list.

Finally, the bill eliminates the right of a real estate purchaser or lessee while in the process of making a bona fide offer to ask the owner or his agent in writing if they have knowledge of whether the occupant of real property is, was suspected to be, or has been, infected with HIV.

\*House Amendment "A" replaces the original bill that required (1) the commissioner of the Department of Environmental Protection (DEP) to prepare and make available a list identifying off-site conditions included on the (a) National Priorities List pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 and (b) DEP's list of known and confirmed hazardous waste sites and (2) new home construction contractors to notify purchasers of the availability of the list.

\*House Amendment "B" adds the language eliminating the right of a purchaser or lessee to inquiry about whether the occupant of real estate is, was suspected to be, or has been infected, with HIV.

EFFECTIVE DATE: October 1, 2002

## **PSYCHOLOGICALLY IMPACTED REAL ESTATE**

Under current law, "psychologically impacted" real estate is defined to mean the effect of certain circumstances surrounding real estate, including, but not limited to the fact that (1) an occupant of real estate is, or was at the time suspected to be, infected or has been infected with HIV or (2) the property was at one time suspected to have been the site of a homicide, other felony, or a suicide. The bill limits written requests by purchasers or lessees to the owner's or his agent's knowledge about whether the property is the site of a homicide, other felony, or suicide.

## **BACKGROUND**

### ***Legislative History***

On April 10, the House referred the bill (file 262) to the Appropriations Committee. That committee reported the bill without change on April 16.

### ***Hazardous Waste Facilities List***

The commissioner of environmental protection must provide each municipal clerk with a list of all hazardous wastes facilities located within their municipality. Municipal clerks must maintain the list and post a notice about its availability where municipal land records are kept. Current law defines "hazardous waste facility" as land and appurtenances or structures used to dispose, treat, store, or recover hazardous waste.

## **COMMITTEE ACTION**

Insurance and Real Estate Committee

Change of Reference

Voice Vote

Planning and Development Committee

Joint Favorable Substitute Change of Reference

Yea 17      Nay 0

Environment Committee

Joint Favorable Report

Yea 28      Nay 0

Appropriations Committee

Joint Favorable Report

Yea 45      Nay 4